

presence of fish infested with parasites, and decomposed fish; and, Section 402 (a) (5), it was in whole or in part the product of diseased fish.

Misbranding, Section 403 (e) (1), the article was in package form and failed to bear a label containing the name and place of business of the packer or distributor; and Section 403 (i) (1), its label failed to bear the common or usual name of the food.

DISPOSITION: March 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6492. Adulteration and misbranding of frozen eel pout fillets. U. S. v. 9 Boxes, 2 Boxes, and 25 Cans of Frozen Eel Pout Fillets, Default decrees of condemnation and destruction. (F. D. C. Nos. 12283, 12303. Sample Nos. 76415-F, 76416-F.)

LIBELS FILED: May 2 and 3, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about January 26 and March 1, 1944, by the Quincy Fish Co., Harrison, N. J.

PRODUCT: 9 15-pound boxes, 2 17-pound boxes, and 26 20-pound cans of frozen eel pout fillets at New York, N. Y.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance in that it contained parasitized fish; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

Misbranding, Section 403 (e) (1), it was a food in package form and failed to bear a label containing the name and place of business of the packer or distributor; and, Section 403 (i) (1), it failed to bear the common or usual name of the food.

DISPOSITION: May 18 and 24, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6493. Adulteration of salt mackerel. U. S. v. 7 Tubs of Mackerel. Default decree of condemnation and destruction. (F. D. C. No. 11949. Sample Nos. 62923-F, 62924-F.)

LIBEL FILED: On or about March 4, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 16, 1944, by Covington Bros. & Co., from Mayfield, Ky.

PRODUCT: 7 tubs, each containing approximately 30 pounds, of salt mackerel at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 30, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6494. Adulteration of frozen kingfish, frozen smelt, frozen sole, and frozen mackerel. U. S. v. 190 Boxes of Frozen Kingfish and 506 Boxes of Frozen Sole (and 1 other seizure action against frozen smelt and frozen mackerel). Default decree condemning the smelt and mackerel and ordering them sold to a rendering plant; portion of sole ordered delivered to claimant; remainder of sole and the kingfish ordered released under bond. (F. D. C. Nos. 11499, 11533. Sample Nos. 57933-F, 57934-F, 57938-F, 57939-F.)

LIBELS FILED: December 30 and 31, 1943, District of Colorado.

ALLEGED SHIPMENT: On or about October 8 and November 23, 1943, by the Meredith Fish Co., from Sacramento, Calif.

PRODUCT: 190 boxes, each containing 20 pounds, of frozen kingfish and 506 boxes, each containing 20 pounds of frozen sole; 985 boxes, each containing 20 pounds, of frozen smelt, and 95 cases, each containing 20 pounds, of frozen mackerel at Denver, Colo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

DISPOSITION: March 17 and 29, 1944. No claimant having appeared for the frozen smelt and mackerel, judgment of condemnation was entered and the products were ordered sold to a rendering company for extraction of the oil for use in the manufacture of soap. The Meredith Fish Co., claimant for the kingfish and sole, having admitted the allegations of the libel with respect to the kingfish and a portion of the sole, and the court having found that the said portion of the sole was not adulterated as alleged by the claimant, judgment

was entered ordering the release of the good portion, and also ordering the release of the remainder of the sole and the kingfish under bond, to be brought into compliance with the law under the supervision of the Food and Drug Administration. This unfit portion was subsequently delivered to a rendering plant for extraction of the oil.

6495. Adulteration of frozen mullet fillets. U. S. v. 80 Boxes (2,000 pounds) and 1,000 Pounds of Mullet Fillets. Default decrees of condemnation. Product ordered sold to rendering company. (F. D. C. Nos. 12094, 12095. Sample Nos. 57993-F, 57995-F.)

LIBEL FILED: March 27, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about January 21, 1944, by the Western Refrigerating Co., from Chicago, Ill.

PRODUCT: 80 boxes, each containing 25 pounds, and 1,000 pounds of frozen mullet fillets at Denver, Colo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 10 and June 16, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered sold to a rendering company for extraction of the oil and its use in the manufacture of soap.

6496. Adulteration of frozen ocean pout fillets. U. S. v. 66 Cartons and 215 Cartons of Ocean Pout Fillets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 12221, 12222. Sample Nos. 76924-F, 76925-F, 77501-F.)

LIBEL FILED: April 22, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about February 15, 1944, of a portion of the product by the Booth Fisheries Corporation, and on or about March 9, 1944, of the remainder by Boston Finast Frosted Food, from Boston, Mass.

PRODUCT: Frozen ocean pout fillets: 215 cartons at Asbury Park, N. J., and 66 cartons at Newark, N. J., each carton containing 4 5-pound packages.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitized and diseased fish; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: May 23, 1944. The cases were consolidated. The Booth Fisheries Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured for use as fertilizer, under the supervision of the Food and Drug Administration.

6497. Adulteration of fresh ocean perch fillets. U. S. v. Busalacchi Bros. Plea of guilty. Fine, \$100. (F. D. C. No. 11338. Sample No. 38267-F.)

INFORMATION FILED: On March 6, 1944, in the District of Massachusetts, against Busalacchi Bros., a corporation, of Boston, Mass.

ALLEGED SHIPMENT: On or about April 2, 1943, from the State of Massachusetts into the State of Illinois.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasites, i. e., copepods.

DISPOSITION: March 28, 1944. The defendant having entered a plea of guilty, a fine of \$100 was imposed.

6498. Adulteration of frozen rosefish. U. S. v. 561 Boxes of Frozen Rosefish. Decree entered ordering portion of product delivered to claimant; remainder released under bond. (F. D. C. No. 11535. Sample No. 57935-F.)

LIBEL FILED: December 31, 1943, District of Columbia.

ALLEGED SHIPMENT: On or about September 21, 1943, by Gorton-Pew Fisheries Co., Ltd., Gloucester, Mass.

PRODUCT: 561 boxes, each containing 10 pounds, of frozen rosefish at Denver, Colo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.